

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANCES ERVING and JOHNNIE ERVING,
individually and on behalf of all others similarly
situated,

Plaintiffs,

-against-

SAXON MORTGAGE SERVICES, INC., et al.

Defendants.

Civil Action No. 1:12-cv-8992-ALC-HBP

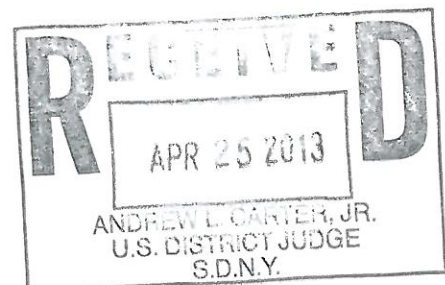
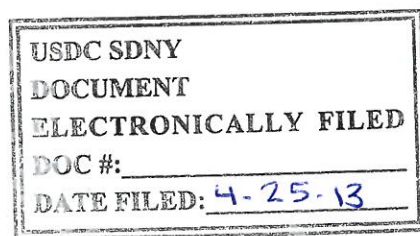
**STIPULATION AND ~~PROPOSED~~
ORDER SETTING BRIEFING
SCHEDULE FOR MOTIONS
TO DISMISS**

WHEREAS Plaintiffs Frances Erving and Johnnie Erving ("Plaintiffs") filed a Complaint against Defendants Saxon Mortgage Services, Inc., Morgan Stanley, Ocwen Financial Corp., Assurant, Inc., and American Security Insurance Company (the "Original Defendants") in the above-captioned action on or about December 10, 2012; and

WHEREAS, on March 4, 2013, each of the Original Defendants submitted a letter to the Court and requesting a pre-motion conference in connection with anticipated motions to dismiss the Complaint; and

WHEREAS, on March 7, 2013, Plaintiffs submitted a letter to the Court advising the Court of Plaintiffs' intention to file an amended complaint on or before April 8, 2013, and the Court endorsed Plaintiffs' letter; and

WHEREAS, on April 8, 2013, Plaintiffs filed a First Amended Class Action Complaint (the "Amended Complaint") against each of the Original Defendants and named as an additional defendant Ocwen Loan Servicing, LLC ("OLS") (collectively, the "Defendant(s)"); and



WHEREAS, on April 10, 2013, the Amended Complaint was served on each of the Original Defendants by electronic means via the CM/ECF system; and

WHEREAS, each of the Defendants intends to file a motion to dismiss the Amended Complaint; and

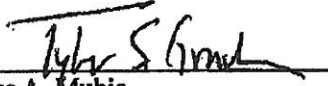
WHEREAS, counsel for Plaintiffs and Defendants have agreed to a briefing schedule for the contemplated motions to dismiss that will not affect any other scheduled dates in this action, and no prior requests for an extension of these dates has been made;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel for the parties, as follows:

1. Each Defendant shall have until Friday, May 24, 2013, to move against or otherwise respond to the Amended Complaint.
2. Plaintiffs shall have until Monday, July 1, 2013, to file their papers in opposition to any motion to dismiss filed by one of more of the Defendants.
3. Each Defendant shall have until Monday, July 22, 2013, to file reply papers in further support of its motion to dismiss the Amended Complaint, if any.
4. Defendant OLS, by undersigned counsel, agrees to accept service of the Amended Complaint and, as such, will not assert the existence of service defects based upon Fed. R. Civ. P. 12(b)(4) and (5). Defendant OLS reserves all other rights and defenses.

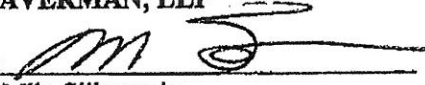
Dated: April 25, 2013

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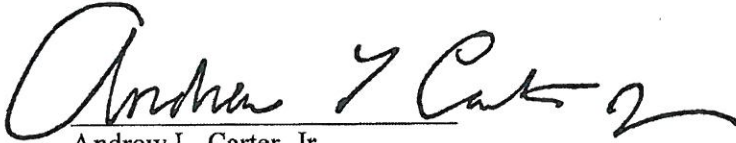
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SO ORDERED:

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", with a stylized flourish at the end.

Andrew L. Carter, Jr.

United States District Judge 4-25-13